

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

JUANITA SANTIAGO REYES, on  
behalf of her minor daughter CARLA  
RODRIGUEZ SANTIAGO and the  
Estate of Carlos A. Rodríguez Bonilla

Plaintiff

vs.

PUERTO RICO ELECTRIC POWER  
AUTHORITY; TRIPLE-S SALUD,  
INC., ABC INSURANCE COMPANY;  
XYZ ENTITY

Defendants

CIVIL NO.

TRIAL BY JURY DEMANDED

**COMPLAINT**

**TO THE HONORABLE COURT:**

**PLAINTIFF**, through the undersigned attorney, very respectfully states and prays:

***NATURE OF THE ACTION AND JURISDICTION***

1.1 The instant action is brought pursuant to the Employment Retirement Income Security Act (ERISA), 29 U.S.C §1001, to recover civil penalties, expenses, attorneys' fees and costs resulting from defendants' violation of the Act.

1.2 This Court has jurisdiction to entertain this action pursuant to 29 U.S.C. 1132(e)(1), 28 USC 1331 and 1343 (4).

1.3 Venue is proper in this district pursuant to 28 USC 1391 (b)(1) and (2).

***THE PARTIES***

2.1 Plaintiff, Juanita Santiago Reyes, is a resident of San Juan, Puerto Rico. She is the mother of Carla Rodríguez Santiago, a minor, over whom she has custody and patria potestas.

2.2 Carla Rodríguez Santiago, a dependent child, is the minor daughter of Juanita Santiago Reyes and Carlos A. Rodríguez Bonilla, who passed away on March 1, 2016. She is the sole and universal heir to Mr. Rodríguez's estate as declared by a resolution issued by the Puerto Rico Court of First Instance, San Juan Part, on August 11, 2016.

2.3 Defendant Puerto Rico Electric Power Authority ("PREPA") was, at all times relevant to the complaint, Mr. Rodríguez's employer.

2.4 At all times relevant PREPA has had 20 or more employees on more than 50% of its typical business days.

2.5 PREPA is a public corporation organized pursuant to the laws of the Commonwealth of Puerto Rico.

2.6 Upon information and belief plaintiffs understand the Triple-S Salud, Inc. is a corporation organized under the laws of Puerto Rico which has its principal place of business in San Juan, P.R.

2.7 Triple-S Salud, Inc. is the entity designated by PREPA to provide, administer and/or manage the group health plan to employees such as plaintiff.

2.8 The Unión Insular de Trabajadores Industriales y Construcciones Eléctricas (“the Union” or “UITICE”) is the representative of unionized employees such as Carlos A. Rodríguez Bonilla before PREPA.

2.9 ABC Insurance is a fictitious name used to designate the company or companies, whose name is presently unknown to plaintiffs, that may have issued insurance policies to PREPA covering the claims set forth in this complaint.

2.10 XYZ Entity is a fictitious name used to designate any entities, whose identity is presently unknown, who may be liable to the plaintiffs for the violation of law more fully described below.

2.11 Defendants are jointly and severally liable for the amounts claimed herein.

#### ***RELEVANT FACTS***

3.1 Plaintiffs repeat and adopt by reference the preceding paragraphs as if fully set forth here.

3.2 Mr. Rodríguez began working for PREPA in April, 1992.

3.3 Mr. Rodríguez passed away on March 1, 2016.

3.4 At the time of his passing Mr. Rodríguez, was a PREPA employee and a member of the UITICE. He held the position of Skilled General Worker, Transmission Lines at PREPA.

3.5 As part of his benefits as a PREPA employee Mr. Rodríguez and his daughter Carla were beneficiaries of a group health plan provided through Triple-S Salud, Inc.

3.6 In accordance with the collective bargaining agreement between PREPA and the Union, PREPA paid directly to the organizations, such as Triple-S Salud, Inc., that provided the Health Benefits Programs to the union employees.

3.7 Triple-S Salud, Inc. was the plan through which the group medical plan was provided to PREPA employees such as Mr. Rodríguez.

3.8 Mr. Rodríguez was summarily suspended from employment by PREPA on December 21, 2015 due to disciplinary issues but continued to receive his salary until December 28, 2016.

3.9 On or about January 9, 2016, Mr. Rodríguez received a communication from Triple-S, Salud, Inc. advising that his benefits under the plan had been terminated on December 28, 2015.

3.10 Neither Mr. Rodríguez nor his daughter Carla, who was a beneficiary under the plan, were ever provided notices of their right to continue coverage as required by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

3.11 The pending disciplinary issues between PREPA and Mr. Rodríguez Bonilla were resolved and he was reinstated as an employee.

3.12 Mr. Rodríguez fell ill on February 26, 2015 and eventually passed away on March 1, 2015.

3.13 Mr. Rodríguez's suspension from employment in December 2015 and his death on March 1, 2016 were qualifying events under COBRA yet no notice of eligibility for continued coverage as a result of either event.

3.14 Due to the lack of notice plaintiffs were unaware of their right to continued coverage on their own which impaired their access to medical services and caused great financial hardship.

3.15 Plaintiffs are entitled to statutory damages in an amount not less than \$50,000 as a result of defendant's COBRA violations as well as to reimbursement of medical expenses. In addition, plaintiffs are entitled to costs and reasonable attorney's fees.

***TRIAL BY JURY***

4.1 Plaintiff demands that the instant action be tried before a Jury if so triable.

**WHEREFORE**, premises considered, plaintiff prays from this Honorable Court for the following relief:

1. Statutory damages in an amount not less than \$25,000;
2. Costs and reasonable attorneys' fees; and,
3. Any other relief which this Court may deem just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 28th day of December, 2016.

S/Victor P. Miranda Corrada

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